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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,616	08/03/2001	J. Dewey Weaver III	41061/261990	7510

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DANIELS DANIELS & VERDONIK, P.A.
SUITE 200 GENERATION PLAZA
1822 N.C. HIGHWAY 54 EAST
DURHAM, NC 27713

EXAMINER

MAUNG, ZARNI

ART UNIT	PAPER NUMBER
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2151

MAIL DATE	DELIVERY MODE
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09/14/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/921,616

Applicant(s)

WEAVER ET AL.

Examiner

Zarni Maung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 24-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

This action is responsive to the election made on June 13, 2007. The applicant elected Group I of invention, claims 1-23. The applicant is requested to cancel the non-elected claims.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Rosser, U.S. Patent Number 6,446,261 (hereinafter Rosser).

As per claim 1, Rosser discloses a system and method for controlling content to a user. Taking claim 1 as an exemplary claim, Rosser discloses method for controlling content to a user, comprising: tagging at least one datacast packet with a packet tag to enable user viewing permission (see abstract, col. 3, line 48 to col. 4, line 30, column 12, lines 1-34, data packet with specific insert able indicia matching specific viewer profiles); and broadcasting said packets to at least one user terminal (see abstract, col. 4, lines 25-65, broadcasting video to the set-top device).

As per claim 2, Rosser discloses the method of claim 1, further

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comprising: recording said tagged datacast packet tag if a user views the packet at the user terminal (see col.,7 lines 21-58, inserting usage profile key).

As per claim 3, Rosser discloses the method of claim 1, wherein said tagging further comprises: encrypting the packet (see col. 9, lines 17-30).

As per claim 4, Rosser discloses the method of claim 1, wherein said tagging further comprises: specifying at least one user serial number in said datacast packet tag; wherein the user serial number is an identification code corresponding to a particular user terminal; and reading the packet if the user serial number is specified (see col.,7 lines 21-58, inserting usage profile key).

As per claim 5, Rosser discloses the method of claim 4, wherein said datacast packet comprises a digital datacast transmission (see col. 10, ;lines 36-51 HDTV transmission).

As per claim 6, Rosser discloses the method of claim 4, wherein said user terminal comprises a personal computer (PC) (see col. 11, lines 55-65, computer with monitor).

As per claim 7, Rosser discloses the method of claim 4, wherein the user terminal comprises a set top box (see column 11, line 30 set top device).

As per claim 8, Rosser discloses the method of claim 4, wherein is in motion picture expert group ("MPEG") format (see column 7, lines 63-64, MPEG format).

As per claim 9, Rosser discloses the method of claim 4, further comprising: broadcasting said_datacast packet with radio frequency airwaves (see col. 7, lines 45-65).

As per claim 10, Rosser discloses the method of claim 4, further comprising broadcasting said datacast packet by cable (see column 7, lines 20-22, cable connection).

As per claim 11, Rosser discloses the method of claim 4, further comprising: broadcasting said_datacast packet by satellite (see column 7, lines 1-2 satellite uplink).

As per claim 12, Rosser discloses the method of claim 1, wherein said tagging further comprises: encrypting a packet; specifying at least one user serial number; wherein the user serial number is an identification code corresponding to a particular user terminal; and de-encrypting a packet on the user terminal if the user serial number is specified (see column 7, lines 20-67).

As per claim 13, Rosser discloses the method of claim 12, wherein a packet comprises a datacast (see col., 7, lines 20-45).

As per claim 14, Rosser discloses the method of claim 12, wherein the user terminal comprises a personal computer (PC) (see col. 7, lines 22-25 personal computer).

As per claim 15, Rosser discloses the method of claim 12, wherein the user terminal comprises a set top box (see column 11, line 30 set top device)..

As per claim 16, Rosser discloses the method of claim 12, wherein a packet is in MPEG format (see column 7, lines 63-64, MPEG format).

As per claim 17, Rosser discloses the method of claim 12, further comprising: broadcasting a packet with radio frequency airwaves (see col., 7, lines 20-45).

As per claim 18, Rosser discloses the method of claim 12, further comprising: broadcasting a packet by cable (see column 7, lines 20-22, cable connection).

As per claim 19, Rosser discloses the method of claim 12, further comprising:

broadcasting a packet by satellite (see column 7, lines 1-2 satellite uplink).

As per claim 20-23, they do not teach or further define over the limitations recited in claims 1-19 above. Therefore, claims 20-23 are also rejected for the similar reasons set forth in claims 1-19, supra.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zarni Maung whose telephone number is (571) 272-3939. The Examiner can normally be reached on Monday-Friday from 8:30 to 5:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Valencia Martin-Wallace can be reached at (571) 272-3440. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished application Private PAIR only (see <http://pair-direct.uspto.gov> or the Electronic Business Center at 866-217-9197 (toll-free)).

Any response to this action should be mailed to:

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ZARNI MAUNG
PRIMARY EXAMINER